

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-249-E - ORDER NO. 2001-1090
NOVEMBER 30, 2001

IN RE: Gary Weaver,)	ORDER RULING ON
)	VARIOUS MOTIONS
Complainant,)	
vs.)	
)	
Carolina Power & Light Company,)	
)	
Respondent.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) for our ruling on several Motions filed in this Complaint docket.

First, the Complainant, Mr. Weaver, moves for partial summary judgment. Weaver alleges that Carolina Power & Light's (CP&L's) liability is clear with regard to the handling of an ALS security light matter, and that CP&L was negligent in its handling of that matter. Further, Weaver alleges violation of the South Carolina Unfair Trade Practices Act, and states that damages should be awarded.

Obviously, we have no authority to determine negligence, or whether the Unfair Trade Practices Act was violated. Further, we have no authority in this case to award damages. We do believe however, that there were some difficulties in the provision of service by CP&L to these security lights, and accordingly, we grant the part of Weaver's Motion with regard to service to these lights. We hold that CP&L shall eliminate fees and

charges relating to Weaver's area lighting from August 2000 through November 27, 2001. The remainder of the Motion for Partial Summary Judgment is denied, however.

Next, CP&L filed a Motion In Limine to limit the scope of the hearing in this matter to issues relating to the scope of the proceeding relevant to the debt accumulated by the complainant and CP&L's rights to recover the debt. In view of our ruling on Weaver's partial Motion for Summary Judgment, we grant the Motion in Limine, and hold that the hearing's scope should be limited to issues related to the debt accumulated by the complainant and CP&L's rights to recover the debt.

Third, we deny the Complainant's request for a continuance of the hearing. The Commission in Order No. 2001-714 originally set this matter for hearing for October 9, 2001 at 2:30 PM. Thereafter, Weaver asked for a continuance of this hearing date. This Commission in Order No. 2001-942 granted Weaver's request for a continuance and set a new hearing date for November 27, 2001. This matter has previously been continued and the Commission should move forward with the merits hearing.

Lastly, we deny the admission of Weaver's proffered rebuttal testimony to CP&L witness' Cagle testimony, since Weaver's rebuttal testimony was not filed in accordance with Commission Order No. 2001-942 wherein rebuttal testimony was to be prefiled on or before November 16, 2001. Weaver's testimony was not filed until or about November 20, 2001.

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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)